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EXAMINER

TRAN, HANH VAN

ART UNIT

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/873,638
Filing Date: June 04, 2001
Appellant(s): WOO, JISUNG

MAILED

AUG 29 2006

GROUP 3600

Patricia A. Verlangieri
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 26, 2006 appealing from the Office action mailed February 25, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Europe 905686 to Yamanaka et al.

Yamanaka et al discloses a changer comprising all the elements recited in the above listed claims including, such as shown in Fig 2, a disk-shaped recording media drawer (12,13) slidably mounted within a chassis (11) and supporting a number of disk plates (16,17,18) arranged one above the other and provided to hold a disk (150) therein, characterized in that at least one disk plate mounted at one end via a hinge at the drawer in such a way that it is pivotable about a horizontal axis of the chassis of the changer, wherein the disk plate is provided with a pin 31h at its edge, such as shown in Fig 3(b), remote from the edge at which the disk can be drawn from the disk plate said pin cooperating with an opening 25 in a side wall of the drawer or an opening within a side wall of the chassis, characterizing in that the disk plate having at each of its opposite edges two pins, the first pin cooperating with an opening within the side wall of the drawer and the second pin cooperating with an opening within a side wall of the chassis, characterizing in that opening within the side wall of the chassis has the form of a slot extending perpendicular to the pivoting axis of the disk plates, characterizing in that the slot 22c within the side wall of the chassis includes a horizontal section and a subsequent downwardly inclined section, such as shown in Fig 2, enabling a pivoting of the disk plate within the drawer about a horizontal axis, characterizing in that the lowest slot 25e for the lowest disk plate 18 has substantially no downwardly inclined section

and that the length of the downwardly inclined section increases from one disk plate to the next above positioned disk plate so that the disk plates are pivotable by angles increasing from the lowest to the upper disk plate and the disk plates become spreadable from each other, characterizing in that the pivoting operation of the disk plates can be implemented manually or by electrical-mechanical driving means.

(10) Response to Argument

In response to appellant's arguments on page 4, paragraph # 2 of the above-noted Appeal Brief, that Yamanaka et al does not teach the claimed limitations in claim 1 of "a changer for disk-shaped recording media including a drawer slidably mounted within a chassis and supporting a number of disk plates that are arranged one above the other wherein at least one disk plate is mounted at one end via a hinge at the drawer such that the disk plate is pivotable about a horizontal axis of the chassis of the changer", the examiner respectfully disagrees with appellant's arguments and would like to point out that the claimed language fails to provide adequate structural limitations to the claim in order to distinguish from Yamanaka et al. More specifically, Yamanaka et al clearly teaches all the limitations recited in said statement by disclosing a changer for disk-shaped recording media including, such as shown in Fig 2, a drawer (12,13) slidably mounted within a chassis (11) and supporting a number of disk plates (16,17,18) arranged one above the other and provided to hold a disk (150) therein, wherein at least one disk plate (16,17,18) is mounted at one end via a hinge at the drawer (12,13) such that the disk plate (16,17,18) is pivotable about a horizontal axis of the chassis of the changer.

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In response to appellant's arguments on page 4, paragraph #2, lines 5-8 of the above-noted Appeal Brief, that "Yamanaka et al teaches a completely different arrangement in which only a sub-frame retained by a base frame of a chassis of a storage medium stocker is pivotable instead of a disk plate as recited in Appellant's claims 1-10", the examiner again takes the position that the claimed language fails to provide adequate structural limitations to the claim in order to distinguish from Yamanaka et al.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Lanna Mai

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